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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,786	07/10/2003	Thomas Edward Priebe	169.12-0588	3493
164	7590	09/07/2006	EXAMINER	
KINNEY & LANGE, P.A. THE KINNEY & LANGE BUILDING 312 SOUTH THIRD STREET MINNEAPOLIS, MN 55415-1002			STINSON, FRANKIE L	
			ART UNIT	PAPER NUMBER
			1746	

DATE MAILED: 09/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/616,786

Applicant(s)

PRIEBE

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) 1-5 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 7/10/2003.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

1. Claims 1-5 withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 10, 2006.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6, 8-, 18, 20-22 and 24-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tschauder (U. S. Pat. No. 5,296,681) in view of Kiser et al. (U. S. Pat. No. 6,240,601).

Re claim 1, 18 and 27, note that Tschauder disclose the device for moistening material comprising a rack (15) positioned in a chamber (2) and a liquid supply and a delivery system, 14) that differs from the claims only in the recitation of the control system as claimed. Kiser is cited disclosing the arrangement of moistening material where there is provided a control system as claimed (see abstract). It therefore would have been obvious to one having ordinary skill in the art to modify the device of Tschauder, to have control means as taught by Kiser, for the purpose of applying a desired amount of liquid. Re claim 8, 9, 11, 12, 13, 14, 15, 23, 25 and 26, Kiser discloses the control means. Re claims 10, Tschauder discloses the rack positioned centrally as claimed. As well as the drain, plurality of nozzles and collection system (see col. 4, lines 23), as claimed in claims 16, 17, 20, 21 and 25.

4. Claims 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 6 above, and further in view of either Yang (U. S. Pat. No. 4,532,797) or Siegenheim (U. S. Pat. No. 2,189,352).

Claims 7 and 22 define over Tschauder, only in the recitation of the electrical conductivity sensor. Yang and Siegenheim (see claim 3) each cite the arrangement of determining the moisture content via an electrical conductivity sensor. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Tschauder, to employ a sensor as taught by either Yang or Siegenhiem, for the purpose of precisely providing the proper amount of liquid.

5. Claims 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the applied prior art as applied to claim 6 above, and further in view of Chen (U. S. Pat. No. 6,668,843).

Claim 19 defines over the applied prior art only in the recitation of the applicator being movable with respect to the rack. Chen disclose the applicator as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the applicator of Tschauder, to be as taught by Chen, for the purpose of ensuring for the distribution of the moistening liquid.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. In Maziere et al., Arioli et al., Wigglesworth, Hawkins, Chen'616, Saleur, Cotton, and Schneider, note the moistening means.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is

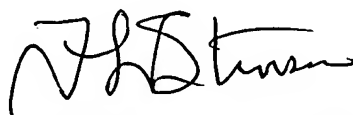
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(571) 272-1308. The examiner can normally be reached on M-F from 5:30 am to 2:00 pm and some Saturdays from approximately 5:30 am to 11:30 am.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Barr, can be reached on (571) 272-1700. The fax phone number for the organization where this application or proceeding is assigned is 571-272-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

fls



FRANKIE L. STINSON  
Primary Examiner  
GROUP ART UNIT 1746